



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

July 29, 2020

**VIA EMAIL**

Susan Phillips  
203 East Main Street  
Spartanburg, SC 29319  
sphillips@dennys.com

RE: MUR 7673

Dear Ms. Phillips:

On December 26, 2019, the Federal Election Commission (“Commission”) notified Denny’s Inc. of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On June 23, 2020, based upon the information contained in the complaint and information provided by respondents, the Commission found no reason to believe that Denny’s Inc. violated 52 U.S.C. § 30121. The Commission then closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). The Factual and Legal Analysis, which more fully explains the Commission's finding is enclosed.

If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan  
Assistant General Counsel

Enclosure:  
Factual and Legal Analysis

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

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3 **RESPONDENTS:** Raul Campillo for City Council District 7 2020 MUR 7673  
4 and Taryn Vogel in her official capacity as treasurer,  
5 Raul Campillo,  
6 Joel Delgado Alvarez,  
7 Alejandro Campillo,  
8 Campillo Food Services, Inc., and  
9 Denny's Inc.

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11 **I. INTRODUCTION**

12 The Complaint alleges that Raul Campillo for City Council District 7 2020  
13 (“Committee”), Campillo’s campaign committee for a seat on the San Diego City Council,  
14 accepted \$200 in contributions from alleged foreign national Joel Delgado Alvarez (“Delgado”).<sup>1</sup>  
15 Respondents assert that Delgado is a lawful permanent resident of the United States and,  
16 therefore, permitted to donate to the Committee.<sup>2</sup> In light of Respondents’ assertion and the  
17 copy of Delgado’s permanent resident card provided by Respondents, the Commission finds no  
18 reason to believe that Respondents violated 52 U.S.C. § 30121.

19 **II. FACTUAL AND LEGAL ANALYSIS**

20 The Committee disclosed accepting \$200 from Delgado, who is identified as an  
21 employee at Denny’s Inc. (“Denny’s”) on the Committee’s disclosure reports.<sup>3</sup> Complainant  
22 alleges that Delgado made, and the Committee accepted, a foreign national contribution because  
23 Delgado’s Facebook account lists a location in Mexico as his current residence and the address

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<sup>1</sup> Compl. at 1 (Dec. 17, 2019). The Complaint also alleges that Delgado may have been reimbursed by Campillo Food Services, Inc., Raul Campillo, or Alejandro Campillo for his contributions to the Committee. However, because the contributions were not made in connection with an election to federal office, the allegation that the contributions were made in the name of another is outside of the Commission’s jurisdiction. 52 U.S.C. § 30122; *see also* 52 U.S.C. § 30101(8)(A).

<sup>2</sup> Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3 (Jan. 9, 2020); Raul Campillo for City Council Resp. at 1, Exs. 1, 3 (Jan. 9, 2020).

<sup>3</sup> Compl. at 1, Ex. A.

1 listed on the Committee’s disclosure reports is a business address for a company that provides,  
2 among other things, immigration services.<sup>4</sup> Complainant further contends that Delgado does not  
3 appear to be registered to vote in Imperial County, California.<sup>5</sup>

4 Respondents assert that Delgado is lawfully admitted for permanent residence in the  
5 United States.<sup>6</sup> In support, Respondents provided both a sworn affidavit from Delgado stating  
6 that he became a lawful permanent resident in 1991 and a copy of Delgado’s permanent resident  
7 card.<sup>7</sup> Delgado further asserts that the address listed on the disclosure reports is a mailbox he  
8 uses.<sup>8</sup>

9 The Federal Election Campaign Act of 1971, as amended (“Act”), and Commission  
10 regulations prohibit any “foreign national” from “directly or indirectly” making a contribution or  
11 donation of money or any other thing of value, or an expenditure, independent expenditure, or  
12 disbursement, in connection with a federal, state, or local election.<sup>9</sup> The Act’s definition of  
13 “foreign national” includes an individual who “is not a citizen of the United States or a national  
14 of the United States . . . and who is not lawfully admitted for permanent residence[.]”<sup>10</sup>

15 The Act further provides that no person shall knowingly solicit, accept, or receive a  
16 prohibited foreign national contribution or donation.<sup>11</sup> The term “knowingly” is defined as

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<sup>4</sup> Compl. at 1.

<sup>5</sup> Compl. at 2.

<sup>6</sup> Alejandro Campillo and Campillo Food Services Resp. at 2, Ex. 3 (Delgado Decl.) at 1, 3; Raul Campillo for City Council Resp. at 1, Exs. 1, 3.

<sup>7</sup> *Id.*

<sup>8</sup> Alejandro Campillo and Campillo Food Services Resp. Ex. 3 (Delgado Decl.) at 1.

<sup>9</sup> 52 U.S.C. § 30121(a)(1); 11 C.F.R. § 110.20(b).

<sup>10</sup> 52 U.S.C. § 30121(b); 11 C.F.R. § 110.20(a)(3).

<sup>11</sup> 52 U.S.C. § 30121(a)(2).

Case Closure — MUR 7673 (Raul Campillo for City Council District 7 2020, *et al.*)

Factual and Legal Analysis

Page 3

1 having “actual knowledge” that the source is a foreign national, or being aware of “facts that  
2 would lead a reasonable person to conclude that there is a substantial probability that” or “facts  
3 that would lead a reasonable person to inquire whether” the source is a foreign national.<sup>12</sup>

4 The available information demonstrates that Delgado is a lawful permanent resident.

5 Therefore, the Commission finds no reason to believe that Respondents violated 52 U.S.C.

6 § 30121.

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<sup>12</sup> 11 C.F.R. § 110.20(a)(4).